

REMARKS

The law firm of Harrington & Smith has been requested by the Assignee to assume responsibility for the further prosecution of this patent application. A revocation of the prior power of attorney and a new power of attorney, with a change of correspondence address, has been filed. All future communications regarding this patent application should be directed to customer number 29683.

Claims 13, 20, 29 and 30 were objected to for various reasons. These claims have been amended above to address the objections and render the objections moot. Other various merely clarifying amendments have been made to further enhance the readability of the claims, and to avoid any possible imposition of a rejection based on 35 USC 112, second paragraph.

The Examiner rejected claims 1-32 (i.e., 13-32) under 35 USC 112, second paragraph for the reason of record. The undersigned attorney is not aware of a rule that a method claim contain every essential step "in order for the method to completely operate". For example, if data is input to a system through a user interface, would it be necessary to also claim, e.g., "turning on a user interface" prior to claiming "entering data via the user interface"?

In any event, claim 13 has been amended to recite "receiving a request for a flight search", and claim 29 has been amended to recite "receiving a trip search". These amendments should render the moot the rejection under 35 USC 112, second paragraph.

Before proceeding, in section 4 the Examiner has stated that the previous Official Notice with regard to specific geographical zones was not contested, and that this subject matter is now "Applicant Admitted Prior Art".

The previous response has been reviewed, and it is not seen where there was any Applicant admission of prior art.

The Examiner has repeated the rejection of claims 13, 18, 22-26 and 28 under 35 USC 103(a) as being unpatentable over Faltings et al. in view of Mogler et al. The rejection is respectfully disagreed with, and is traversed below.

First, it is noted that Faltings et al. describe a "customer client computer 24" in paragraph [0027]. Referring also to, for example, paragraphs [0037], [0040] and [0053], it is clear that the disclosure of Faltings et al. is directed to providing a customer user interface enabling the customer to interact the system to specify itinerary-related constraints and so forth.

This type of system is clearly different from the system and methods disclosed in the instant patent application, where the user interface etc. is intended for the maintenance and management of database data (see, for example, paragraph [0004] and also paragraph [0009] of corresponding published US Patent Application 2006/0020625:

[0009] The present invention permits overcoming the drawbacks of the techniques known at present and, to do this, it introduces new **software for the management of the databases** so as to generate the most rapid changes with greatest precision and better adaptation to the needs of the clientele.

In order to emphasize this important distinction claim 13 has been amended to recite in part:

managing a database system of the computerized travel reservation system by creating and storing rules for accessing database data in the database system of the computerized travel reservation system, the data being service information applicable to flights.

A similar amendment has been made to independent claim 29.

Clearly, there is no similar teaching or disclosure in the system of Faltings et al., which provides instead a graphical user interface for a customer user.

For at least this one reason alone claim 13 should be found to allowable.

However, it is also noted that when attempting to combine the disclosures of Faltings et al. and Mogler et al. the Examiner admits that Faltings et al. fails to disclose creating a table of geographic zone types and a priority rank associated with each geographic zone type, the priority rank associated with each geographic zone type decreasing as a function of the geographic precision of the associated geographic zone type. The Examiner then cites Mogler et al. in Figure 4, item #312, as teaching this subject matter. The applicants respectfully disagree with the Examiner's assertion.

The item #312 (Priority) in Figure 4 is mentioned in paragraph [0040]. Paragraph [0041], reproduced below, discusses this priority in greater detail.

[0041] As shown in FIG. 5, the yield management system 575 communicates with the booking system 15, providing selling instructions 314 that reflect the airline availability between the city pair and/or the contract status of the airlines serving the city pair. An exemplary booking system 15 computer display 318 shows how an exemplary message appears to the travel counselor 7, or to the corporate traveler 6 during an online reservation. As shown, if the contract threshold has not been reached **with a high-priority airline**, the message displayed will indicate to the travel counselor 7 that a **particular airline is a high priority, and, in some instances, may mandate the selection of that particular airline**. In the message 316 shown in FIG. 5, the travel counselor 7 is informed to: "Book AA in this Market it is **corporation preferred and mandated**." As shown in FIG. 5, the **corporation 5 has contracts with three airlines involving the selected EWR-ORD city pair**. According to the terms and conditions of these exemplary contracts, to help maximize contracted cost savings, AA needs to achieve a 35 percent target share; UA needs to achieve 40 percent; and CO needs to achieve 25 percent. **Based on the calculated degree of compliance with the terms and conditions of the contracts with the three airline contracts, these airlines are then given a priority status, e.g., between EWR-ORD, AA is first priority, UA is second priority and CO is third priority**. Notations are made, for example, indicating that reserving on AA is mandated for that particular transaction. Surpassing the target share with any one airline, while not achieving the target share for another airline may result in lost potential savings.

Clearly, the priorities that are shown in the element #312 of Mogler et al. are simply related to contractual obligations with different airline carriers for selected city pairs, and have nothing

whatsoever to do with, and do not disclose or suggest, the claimed subject matter, i.e., a table of geographic zone types and a priority rank associated with each geographic zone type, the priority rank associated with each geographic zone type decreasing as a function of the geographic precision of the associated geographic zone type.

As such, even if the carrier contract management system of Mogler et al. were to be combined with the travel-related service purchasing system of Faltings et al. (which is not admitted is suggested), the claimed subject matter would not be disclosed nor would it be suggested to one skilled the art.

For at least this one further reason the proposed combination of Faltings et al. and Mogler et al. (which is not admitted is suggested) does not render claim 13 unpatentable. Thus, and for at least this one reason alone, all claims that depend from claim 13 are also not rendered unpatentable, should be found to be allowable along with claim 13.

Further in this regard, and addressing the Examiner's taking of official notice with respect to claims 14, 15 and 27, it is clearly not admitted that using zone types other than the city pairs (defined by contracts with the various carriers) would be suggested to one skilled in the art. Further, and even if it were suggested (which is not admitted) any associated priorities would simply be those arising from contractual obligations of the carriers.

Further in this regard, and addressing the Examiner's taking of official notice with respect to claims 16, 17 and 19, it is clearly not admitted that there would be any suggestion of "combining" priorities. As is stated in, for example paragraph [0041], based on the calculated degree of compliance with the terms and conditions of the contracts with the three airline contracts, "these airlines are then given a priority status, e.g., between EWR-ORD, AA is first priority, UA is second priority and CO is third priority." Clearly, there is no suggestion here of "combining" priorities. In addition, the Examiner's lengthy discussion of "significant figures" in mathematics, and his taking of "official notice" thereof, is simply not understood in the context of Mogler et al. assigning priorities to city pairs to different airline carriers based on a calculated degree of

compliance with the terms and conditions of the airline contracts.

With regard to claim 19, which further refines claim 16, it is not admitted that the Target Share Percentage column #310 of Mogler et al., mentioned in paragraph [0040] and discussed more fully in paragraph [0041] reproduced above, has anything to do with claim 19 and its further refinement of the subject matter of claim 16, i.e., "assigning a first priority value to the origin market based on the priority rank associated with the geographical zone type of the origin market, ii) assigning a second priority value to the destination market based on the priority rank associated with the geographical zone type of the destination market, and iii) combining the first priority and the second priority."

For at least the foregoing reasons it should be clear that the Examiner's proposed combination of references including Winter et al., and his taking of Official Notice (which is not admitted is correct) would not render the pending claim 13-28 unpatentable.

An element of claim 29 (rejected based on Faltings et al., Mogler et al., Official Notice and Winter et al.) is as follows:

- i) a first group of geographic zones within a first geographic zone type, the first geographic zone type representing a first geographic precision and assigned a first priority rank and
- ii) a second group of geographic zones within a second geographic zone type, the second geographic zone type representing a second geographic precision assigned a second priority rank, a value of the first priority rank being less than a value of the second priority rank,
wherein the value of the first priority rank being less than the value of the second priority rank reflects the first geographic precision of the first geographic zone type being more precise than the second geographic precision of the second geographic zone type.

For at least the reasons argued above with respect to claim 13, the proposed combination of Faltings et al and Mogler et al. does not disclose or suggest at least the subject matter highlighted above. Any associated "priority" ranks would simply be those arising from contractual

obligations of the carriers, and would have nothing to do with any geographical precision of associated geographic zone types. Further there is no suggestion in the proposed combination of Faltings et al. and Mogler et al., with or without any Official Notice, that the contractually derived carrier city pair priorities be somehow combined.


For at least these reasons alone claim 29 is clearly patentable over the proposed combination of references and "Official Notice" (which is not admitted is correct), and thus all claims that depend from claim 29 are also patentable.

Further, the Examiner's statements regarding certain claim elements being "outside claim scope", and thus having no patentable weight, are not understood. If the Examiner persists in rejecting claims 29 and 32 he is respectfully requested to clarify why the claimed "weight assigned to each additional criteria defining a degree of importance of each additional criteria, wherein the content representing the weight value of the criteria defining the flight is determined from the priority of each market pair and the weight of each additional criteria of the trip information", is "outside" of the claim scope and is not afforded any patentable weight.

The Examiner is respectfully requested to reconsider and remove the rejections of the claims under 35 U.S.C. 103(a) and 35 USC 112, second paragraph, and to allow all of the pending claims 13-32 as now presented for examination. An early notification of the allowability of claims 13-32 is earnestly solicited.

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Respectfully submitted:



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1/21/2010
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